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**REMARKS**

Currently pending in this application are claims 29-54, 56-64 and 66-81. Claims 1-38 were canceled in a prior amendment and claims 55,65 and 82 are canceled in this amendment.

Claim 36 has been amended to refer to solvents and to depend from claim 29.

Claim 38 has been amended to delete reference to castor oil.

Claim 42 has been amended to refer to solvents and to depend from claim 38.

Claim 53 has been amended to refer to solvents and to depend from claim 47.

Claim 56 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 63 has been amended to refer to solvents and to depend from claim 56.

Claim 66 has been amended to change addition to additive, correcting an obvious typographical error. The claim has also been amended to delete reference to castor oil.

Claim 74 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 80 has been amended to refer to solvents.

The examiner has rejected claims 36, 42, 53, 63, 70 and 80 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically the examiner noted that the specification did not support defining certain compounds recited in the claims as "diluent" when the specification defined them as solvents. The claims have been amended to define the compounds as solvents and to change their dependency to the preceding independent claim.

The examiner next rejected claims 32, 49, 50, 56, 59, 60, 65, 66, 74, 77 and 82 under 35 U.S.C. §112 as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The examiner rejected claims 32, 49, 59 and 76 on the grounds that the examiner did not see the distinction between the plant oil extracts derived from grain and the vegetable and nut plant oils. The examiner stated the opinion that vegetables and nuts are also grains. Applicants respectfully traverse this rejection. As defined by Webster's, a grain is a seed of fruit from a cereal or grass. Merriam-Webster's Collegiate Dictionary, p. 543 (11<sup>th</sup> Ed. 2003) (attached). A vegetable on the other hand is a herbaceous plant and a nut is a hard shell dry fruit or seed. Id at 853, 1386. While all of these are plants, they are different varieties and the differences in the oil extracts and oils would be apparent to one skilled in the art. In addition, plant oil extracts are generally obtained from chlorophyll containing parts of the plant (see, e.g. paragraphs 59 and 60), whereas vegetable oils are generally extracted from the seed, nut or fruit (see, e.g., paragraphs 75 and 76). Thus, applicant respectfully submits that the two groups of materials are distinct the claims are not indefinite.

The examiner rejected claims 50 and 55 as substantial duplicates. Claim 55 has been canceled rendering the rejection moot.

The examiner rejected claims 56, 66 and 74 noting that the term "addition" should read "additive." The claims have been amended to change the term "addition" to "additive".

The examiner rejected claims 60 and 65 as substantial duplicates. Claim 61 has been canceled rendering the rejection moot.

The examiner rejected claims 77 and 82 as substantial duplicates. Claim 82 has been canceled rendering the rejection moot.

The examiner has rejected claims 38, 41-44, 66 and 69-72 under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,862,369 to Jordan. The examiner noted that Jordan teaches a fuel composition that contains beta-carotene (carotenoid), chlorophyll (hydrophobic plant extract) and ethoxylated castor oil (thermal stabilizer) as well as cetane improvers. The composition may be diluted with various solvents including gasoline, toluene, diesel fuel and

alcohols. Applicants respectfully submit that the claims as amended are not anticipated by Jordan.

As noted above, the Markush group in claims 38 and 66 that define the thermal stabilizer does not include castor oil. None of the other oils recited in the claims are taught or recited in Jordan. Thus Jordan can not anticipate the claims. Claims 41-44 depend from claim 38 and claims 69-72 depend from claim 66. Since Jordan does not anticipate the independent claims it can not anticipate the dependent claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.


### CONCLUSIONS

Applicant submits that the pending claims are free of the art and are in condition for allowance.

Applicant believes there is no fee due with this response. However, if fees are due, please charge our Deposit Account No. 06-2375, under Order No. P02917US2 (AKA ORYXENG.024A) from which the undersigned is authorized to draw.

Dated: June 28, 2004

Respectfully submitted,

By 

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# Merriam- Webster's Collegiate<sup>®</sup> Dictionary

ELEVENTH  
EDITION



Merriam-Webster, Incorporated  
Springfield, Massachusetts, U.S.A.

**graffiti** *n* [fr. pl. of *graffito*] (1945): usu. unauthorized writing or drawing on a public surface  
usage *Graffiti*, which also serves as the plural of *graffito*, is commonly used as a singular mass noun (*Graffiti*... was depressing people who rode the subway — *New Yorker*) *Graffiti* comes in various styles — S. K. Oberbeck. This use is well established although not yet as well established as the mass-noun use of *data*. Use of *graffiti* as a singular count noun is still quite rare and is not standard.

**graffito** *n* [gr-*fē*-tō, gr-*fā*, *n*, pl -*tī*] [It. incised inscription, fr. *graffiare* to scratch, prob. fr. *graffio* stylus, fr. L. *graphium*] (1851): an abo: a message or slogan written as or as if as a graffito — *graffito* *n* [fr. *graffito*]

**graft** *v* [gr-*fā*, *n* [ME *graffe*, *grafe*, fr. AF *graffe*, *grafe* stylus, graph, fr. ML *graphium*, fr. L. stylus, fr. Gk *graphein*, fr. *graphein* to write — more at CARVE] (14c) 1 a: a grafted plant b: SCION 1 c: the point of insertion of a scion upon a stock 2 a: the act of grafting b: something grafted; *specif*: living tissue used in grafting

**graft** *v* (14c) 1 a: to cause (a scion) to unite with a stock; also: to unite (plants or scion and stock) to form a graft b: to propagate (a plant) by grafting 2 a: to join or unite as if by grafting b: to attach (a chemical unit) to a main molecular chain 3: to implant (living tissue) surgically ~ *vi* 1: to become grafted 2: to perform grafting — **graft-er** *n* **graft** *n* [E dial. *graft*, vb., to work] (1853) chiefly Brit WORK, LABOR

**graft** [origin unknown] *v* (1859): to get (illicit gain) by graft ~ *vi*: to practice graft  
**graft** *n* (1855): the acquisition of gain (as money) in dishonest or questionable ways; also: illegal or unfair gain

**graft-er** *n* [gr-*fā*-tēr, *n* (ca. 1895): the principles and practice of grafting graft-versus-host disease *n* (1965): a potentially fatal bodily condition that results when T cells from a tissue or organ transplant and host antigens attacking cells and tissues

**graham cracker** *n* [gr-*ām*-tēr, *n* [Graham flour] (1882): a slightly sweet cracker made of whole wheat flour  
**graham flour** *n* [Sylvester Graham] 1851 Am. dietary reformer] (1834): whole wheat flour

**grail** *n* [ME *greal*, *grail*, fr. MF, bowl, grail, fr. ML *gradalis*] 1 a: the cup or platter used according to medieval legend by Christ at the Last Supper and thereafter the object of knightly quests 2: the object of an extended or difficult quest

**grain** *n* [ME, partly fr. AF *grain* cereal grain, fr. L. *granum*; partly fr. AF *graine* seed, kermes, fr. L. *grana*, pl. of *granum* — more at CORN] (14c) 1 a (1) obs: a single small hard seed (2) a seed or fruit of a cereal grass: CARVOPYSIS b: the seeds or fruits of various food plants including the cereal grasses and in commercial and statutory use; a small hard particle or crystal (2): any of the particles produced in grains in the aggregate (3): an individual crystal in a metal b: a minute portion or particle c: the least amount possible (a ~ of truth) 3 a: kermes or a scarlet dye made from it b: cochineal or a mott 4 a: a granulated surface or appearance b: the outer or hair side of a skin or hide 5: a unit of weight based on the weight of a middle of the ear — see WEIGHT table 6 a: the stratification of the wood fibers in a piece of wood b: a texture due to constituent particles or fibers (the ~ of a rock) c: the direction of threads in cloth

7: tactile quality 8 a: natural disposition: TEMPER (lying goes against my ~) b: a basic or characteristic quality c: a prevalent ideology or convention (teaching against the ~) — **grained** *v* [gr-*ā*-nēd, *v*] — **grain-less** *adj*

**grain** *v* (1530) 1: INORAIN 2: to form into grains: GRANULATE 3 a: to paint in imitation of the grain of wood or stone 4: to feed with grain ~ *vi*: to become granular: GRANULATE — **grain-er** *n*

**grain alcohol** *n* (1883): ETHANOL  
**grain elevator** *n* (1852): a building for elevating, storing, discharging, and sometimes processing grain

**grain of salt** (1647): a skeptical attitude  
**grains of paradise** (15c): the pungent seeds of a West African plant (*Hyphantomum melegueta*) of the ginger family that are used as a spice

**grain sorghum** *n* (1920): any of several sorghums cultivated primarily for grain — compare SORGO  
**grainy** *adj* [gr-*ā*-nē, *adj*] grain-*ī*-er, -est (15c) 1: resembling or having the characteristic of grain: not smooth or fine 2: of a photograph appearing to be composed of grain-like particles — **grain-iness** *n*

**grain** *n* [fr. *grain*, fr. LL *gramma*, a small weight, fr. Gk *gramma*, a letter, writing, a small weight, fr. *graphein* to write — more at CARVE] (1810) 1: a metric unit of mass equal to 1/1000 kilogram and nearly equal to the mass of one cubic centimeter of water at maximum density — see METRIC SYSTEM table 2: the weight of a grain under the acceleration of gravity

**gram** *n* [by shortening & alter.] (ca. 1934): GRANDMOTHER  
**gram** *n* [by shortening & alter.] (ca. 1934): GRANDMOTHER  
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graft 1c: a scion, b stock

**gram-i-ci-din** *n* [gr-*mā*-sī-dīn, *n* [gram-positive + -i- + -cide + -in] (1940): any of several toxic crystalline polypeptide antibiotics produced by a soil bacterium (*Bacillus brevis*) and used against gram-positive bacteria in local infections

**gram-i-ni-ous** *adj* [gr-*mī*-nē-əs, *adj*] [L. *gramineus*, fr. *gramin-*, *gramen* grass] (ca. 1658): of or relating to a grass  
**gram-i-niv-o-rous** *adj* [gr-*mā*-nī-vō-rəs, *adj*] [L. *gramin-*, *gramen*] (1739): feeding on grass or the seeds of grass (~ locusts) (~ birds)

**gram-mar** *n* [gr-*mār*, *n* [ME *gramere*, fr. AF *gramatre*, modif. of L. *grammatica*, fr. Gk *grammatikē*, fr. fem. of *grammatikos*, modif. of L. *gramma*, a letter, writing, a small weight, fr. *graphein* to write — more at CARVE] (14c) 1 a: the study of the classes of words, their inflections, and their functions and relations in the sentence b: a study of what is to be preferred and what avoided in inflection and syntax 2 a: the characteristic system of inflections and syntax of a language b: a system of rules that defines the grammatical structure of a language 3 a: a grammar textbook b: speech or writing evaluated according to its conformity to grammatical rules 4: the principles or rules of an art, science, or technique (a ~ of the theater); also: a set of such principles or rules — **gram-mar-i-an** *n* [gr-*mār*-ē-ən, *n*]

**grammar school** *n* (14c) 1 a: a secondary school emphasizing Latin and Greek in preparation for college b: a British college preparatory school 2: a school intermediate between primary school and high school 3: ELEMENTARY SCHOOL

**gram-mat-i-cal** *adj* [gr-*mā*-tī-kəl, *adj*] (1530) 1: of or relating to grammar 2: conforming to the rules of grammar (a ~ sentence) — **gram-mat-i-cal-ly** *adv* [gr-*mā*-tī-kəl-ē, *adv*] — **gram-mat-i-cal-ness** *n* [gr-*mā*-tī-kəl-nəs, *n*]

**gram-mat-i-cal-ness** *n* [gr-*mā*-tī-kəl-nəs, *n*] — **gram-mat-i-cal-ly** *adv* [gr-*mā*-tī-kəl-ē, *adv*] — **gram-mat-i-cal-ness** *n* [gr-*mā*-tī-kəl-nəs, *n*]

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**chaku** (Jp dial. (Okinawa)) (1970): a weapon that consists of two hardwood sticks joined at their ends by a short length of rawhide, cord, or chain

**nunciature** \nən-(t)-sē-ō-čhūr, \nən-(t)-, -chōr, -tyūr, -tūr/ *n* [It *nunciatura*, fr. *nuncio*] (1652) 1: a papal diplomatic mission headed by a *nuncio* 2: the office or period of office of a *nuncio*

**nuncio** \nən-(t)-sē-ō, \nən-(t)-, -chōr, -tyūr, -tūr/ *n* [It. fr. *nuntius* messenger, message] (1528): a papal legate of the highest rank permanently accredited to a civil government

**nuncio** \nən-(t)-sē-ō, \nən-(t)-, -chōr, -tyūr, -tūr/ *n* [by alter. (fr. misdivision of an uncle)] (ca. 1589) chiefly dial. UNCLE

**nuncupative** \nən-kyū-pā-tiv, \nən-, \nən-'kyū-pā- *adj* [ML *nuncupativus*, fr. LL *nuncupatus*, pp. of *nuncupare* to name, prob. ultim. fr. *nomen* name + *capere* to take — more at NAME, HEAVE] (1546): not written: ORAL (a ~ will)

**nun-nery** \nən-rē, \nə-nā- *n*, *p* -ner-les (14c): a convent of nuns

**nuoc** \nu-ōk- (mān) *n* [Vietnamese *nuoc* *mām*, lit., salted fish sauce] (1919): a sauce made of fish (as anchovies) fermented in brine

**nupe** \nu-ōp- (pā) *n*, *p* Nupe or Nupes (1883): a member of a people of west central Nigeria; also: the language of the Nupe people

**nuptial** \nəp-shəl, -chəl, +shə-wəl, +chə-wəl/ *adj* [L *nuptialis*, fr. *nuptia*, pl., wedding, fr. *nubere* to marry; perh. akin to Gk *nymphē* bride, nymph] (15c) 1: of or relating to marriage or the marriage ceremony 2: characteristic of or occurring in the breeding season (~ flight)

**nuptial** *n* (ca. 1555): MARRIAGE, WEDDING — usu. used in pl.

**nuptial-ty** \nəp-shē-'ā-lā-tē, -chē- *n*, *p* -tles (1899): the marriage rate

**Nuristani** \nūr-ō-'stā-nē, \nyūr- *n* [Nuristan, Afghanistan] (1951) 1: a member of a group of peoples of the Hindu Kush in northeastern Afghanistan 2: the family of languages spoken by the Nuristanis that constitutes a distinct branch of Indo-Iranian

**nurse** \nərs/ *n* [ME *nurice*, *norse*, *nurse*, fr. AF *nurice*, fr. LL *nutricia*, fr. L fem. of *nutricius* nourishing — more at NUTRITIOUS] (13c) 1 a: a woman who suckles an infant not her own: WET NURSE b: a woman who takes care of a young child: DRY NURSE 2: one that looks after, fosters, or advises 3: a person who cares for the sick or infirm: *specif.* a licensed health-care professional who practices independently or is supervised by a physician, surgeon, or dentist and who is skilled in promoting and maintaining health — compare LICENSED PRACTICAL NURSE, REGISTERED NURSE 4 a: a worker form of a social insect (as an ant or a bee) that cares for the young b: a female mammal used to suckle the young of another

**nurse** *vt* nursed; *nursing* [ME *nurshen* to suckle, nourish, contr. of *nurshen*] (14c) 1 a: to nourish at the breast: SUCKLE b: to take nourishment from the breast of 2: REAR, EDUCATE 3 a: to promote the development or progress of b: to manage with care or economy (*nursed* the business through hard times) (*nursed* a 1-0 lead) c: to take charge of and watch over 4 a: to care for and wait on (as a sick person) b: to attempt to cure by care and treatment 5: to hold in one's memory or consideration (~ a grievance) 6 a: to use, handle, or operate carefully so as to conserve energy or avoid injury or pain (~ a sprained ankle) b: to use sparingly c: to consume slowly or over a long period (~ a cup of coffee) ~ *vi* 1 a: to feed an offspring from the breast b: to feed at the breast: SUCK 2: to act or serve as a nurse — *nurse-er* *n*

**nurse-maid** \nərs-'mā-d/ *n* (1657): a girl or woman who is regularly employed to look after children

**nurse-mid-wife** \nərs-'mīd-wīf/ *n* (1952): a registered nurse with additional training as a midwife who delivers infants and provides prenatal and postpartum care, newborn care, and some routine care (as gynecological exams) of women — *nurse-mid-wife-ry* \nərs-'mīd-wīf(ə)-rē, -rē, -mīd-wīf/ *n*

**nurse-prac-ti-tion-er** \nərs-'prāk-tī-sh(ə)-nər/ *n* (1969): a registered nurse who is qualified through advanced training to assume some of the duties and responsibilities formerly assumed only by a physician

**nurse-ry** \nərs-rē, \nərs-ē- *n*, *p* -er-les (14c) 1 *obs*: attentive care 2 a: a child's bedroom b: a place where children are temporarily cared for in their parents' absence c: DAY NURSERY 3 a: something that fosters, develops, or promotes b: a place in which persons are trained or educated 4: an area where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale 5: a place where young animals grow or are cared for

**nurse-ry-man** \nərs-'mən/ *n* (1672): one whose occupation is the cultivation of plants (as trees and shrubs) esp. for sale

**nursery rhyme** *n* (1816): a short rhyme for children that often tells a story

**nursery school** *n* (1835): a school for children usu. under five years

**nurse's aide** *n* (1943): a worker who assists trained nurses in a hospital by performing unspecialized services (as giving baths)

**nurse shark** *n* [alter. of *nusse*] (1851): any of various sharks (as family *Ginglymostomatidae*); esp.: a shark (*Ginglymostoma cirratum*) of warm waters

**nursing** *n* (1860) 1: the profession of a nurse (schools of ~) 2: the duties of a nurse (proper ~ is difficult work)

**nursing home** *n* (1896): a privately operated establishment providing maintenance and personal or nursing care for persons (as the aged or the chronically ill) who are unable to care for themselves properly

**nursing** \nərs-'līp/ *n* (1557) 1: one that is solicitously cared for 2: a nursing child

**nurturance** \nər-čə-rən(t)s/ *n* (ca. 1938): affectionate care and attention — *nurtur-ant* \nər-'rnt/ *adj*

**nurture** \nər-čər/ *n* [ME *nurture*, *nurture*, fr. AF *nurture*, fr. LL *nurtura* act of nursing, fr. L *nutritus*, pp. of *nutrire* to suckle, nourish — more at NOURISH] (14c) 1: TRAINING, UPBRINGING 2: something that nourishes: FOOD 3: the sum of the environmental factors influencing the behavior and traits expressed by an organism

**nurture** *vt* nurtured; *nurturing* \nər-čə-rīp, \nər-čə- *n* (15c) 1: to supply with nourishment 2: EDUCATE 3: to further the development of: POSTER — *nurtur-er* \nər-čər- *n*

**nut** \nu- *n* [ME *nute*, *note*, fr. OE *hnūt*; akin to OHG *nuz* nut and perh. to L *nut* nut (bef. 12c) 1 a (1): a hard-shelled dry fruit or seed with a separable rind or shell and interior kernel (2) the kernel of a nut b: a dry indehiscent one-seeded fruit with a woody pericarp 2 a: a hard problem or undertaking b: CORE, HEART 3: a perforated

block usu. of metal that has an internal screw thread and is used on a bolt or screw for tightening or holding something 4: the ridge in a stringed instrument (as a violin) over which the strings pass on the upper end of the fingerboard 5: a small lump (as of butter) 6 a: a foolish, eccentric, or crazy person b: ENTHUSIAST (a movie ~) 7 *pl*: NONSENSE — often used interjectionally 8 *slang*: a person's head 9 *usu vulgar*: TESTIS 10: the amount of money that must be earned in order to break even 11: EN 1 — nut-like \-līk/ *adj*

**nut** *vi* nutted; *nutting* (1604): to gather or seek nuts

**nu-tate** \nū-'tāt, \nyū- *vi* nu-tat-ed; nu-tat-ing (1880): to exhibit or undergo nutation

**nu-ta-tion** \nū-'tā-shən, \nyū- *n* [L *nutatio*-, *nutatio*, fr. *nutare* to nod, rock — more at NUMEN] (1612) 1 *archaic*: the act of nodding the head 2: oscillatory movement of the axis of a rotating body (as the earth): WOBBLE 3: a spontaneous usu. spiral movement of a growing plant part — *nu-ta-tion-al* \-shənəl, -shə-nəl/ *adj*

**nut-brown** \nət-'braʊn/ *adj* (14c): of the color of a brown nut

**nut-case** \-kās/ *n* (1959): NUT 6a

**nut-crack-er** \-krā-kər/ *n* (ca. 1548): an implement for cracking nuts

**nut-gall** \-gōl/ *n* (15c): a gall that resembles a nut; esp.: such a gall produced on oaks

**nut grass** *n* (1775): a perennial sedge (*Cyperus rotundus*) of wide distribution that has slender rootstocks bearing small edible tubers resembling nuts; also: a related sedge (*C. esculentus*)

**nut-hatch** \nət-'hach/ *n* [ME *notehache*, fr. *note* nut + *hache*; akin to OE *tohaccan* to hack — more at HACK] (14c): any of various small tree-climbing chiefly insectivorous birds (family *Sittidae* and esp. genus *Sitta*) that have a compact body, a narrow bill, a short tail, and sometimes a black cap

**nut-house** \nət-'hauz/ *n* (1900) *slang*: a mental hospital

**nut-let** \nət-'lət/ *n* (1856) 1 a: a small nut b: a small fruit similar to a nut 2: the stone of a drupelet

**nut-meg** \nət-'meg, -māg/ *n* [ME *notemigge*, *notemuge*, ultim. fr. Old Occitan *noz muscada*, fr. *noz* nut (fr. L *nuc*-, *nux*-) + *muscada*, fem. of *muscatus* musky — more at MUSCAT] (15c) 1: an aromatic seed produced by an evergreen tree (*Myristica fragrans*) of the family *Myristicaceae*, the nutmeg family native to the Moluccas; also: the ground seed used as a spice — compare MACB 2 2: a tree yielding nutmeg

**nut-pick** \nət-'pīk/ *n* (1862): a small sharp-pointed implement for extracting the kernels from nuts

**nutra-ceu-ti-cal** also *nu-tri-ceu-ti-cal* \nū-'trə-'sū-tī-kəl/ *n* [nutritive + pharmaceutical] (1990): a foodstuff (as a fortified food or dietary supplement) that provides health benefits in addition to its basic nutritional value

**nutria** \nū-'trē-ə, \nyū- *n* [AmerSp, fr. Sp, otter, modif. of L *lutra*; prob. akin to OE *oter* otter] (1820) 1: the durable usu. light brown fur of a nutria 2: a large So. American semiaquatic rodent (*Myocastor coypus*) with webbed hind feet and a round nearly hairless tail that has been introduced into parts of Europe, Asia, and No. America

**nutrient** \nū-'trē-ənt, \nyū- *adj* [L *nutrient*-, *nutriens*, prp. of *nutrire* to nourish — more at NOURISH] (1650): furnishing nourishment

**nutrient** *n* (ca. 1828): a nutritive substance or ingredient

**nutri-ment** \nū-'trē-mənt, \nyū- *n* [ME, fr. L *nutrimentum*, fr. *nutrire*] (15c): something that nourishes or promotes growth, provides energy, repairs body tissues, and maintains life

**nutri-tion** \nū-'trī-shən, \nyū- *n* [ME *nutricioun*, fr. LL *nutritio*-, *nutritio*, fr. L *nutrire*] (15c) 1: the act or process of nourishing or being nourished; *specif.* the sum of the processes by which an animal or plant takes in and utilizes food substances 2: NOURISHMENT 1 — *nutri-tion-al* \-trī-shənəl, -trī-shə-nəl/ *adj* — *nu-tri-tion-al-ly* *adv*

**nutri-tion-ist** \-trī-sh(ə)-nist/ *n* (1926): a specialist in the study of nutrition

**nutri-tious** \nū-'trī-shəs, \nyū- *adj* [L *nutricius*, fr. *nutric*-, *nutrix* nurse, fr. *nutrire* to nourish — more at NOURISH] (1665): NOURISHING — *nu-tri-tious-ly* *adv* — *nu-tri-tious-ness* *n*

**nutri-tive** \nū-'trī-tiv, \nyū- *adj* (14c) 1: of or relating to nutrition 2: NOURISHING — *nu-tri-tive-ly* *adv*

**nutritive ratio** *n* (1897): the ratio of digestible protein to other nutrients in a foodstuff or ration

**nuts** \nʌts/ *adj* (1785) 1: ENTHUSIASTIC, KEEN (~ for animals and children — Rick Reilly) 2: INSANE, CRAZY (said that it was a novel and all the people who said otherwise were ~ — Flannery O'Connor)

**nuts and bolts** *n* (1967) 1: the working parts or elements 2: the practical workings of a machine or enterprise as opposed to theoretical considerations or speculative possibilities — *nuts-and-bolts* *adj*

**nut-sedge** \nət-'sej/ *n* (ca. 1909): NUT GRASS

**nut-shell** \nət-'shel/ *n* (13c) 1: the hard external covering in which the kernel of a nut is enclosed 2: something of small size, amount, or scope — in a nutshell: in a very brief statement

**nut-ter** \nʌ-'tər/ *n* (1958) *slang Brit*: NUT 6a

**nut-ty** \nʌ-'tē/ *adj* nut-tier; -est (15c) 1: having or producing nuts 2: having a flavor like that of nuts 3: ECCENTRIC, SILLY; also: mentally unbalanced — *nut-tily* \-tē-lē/ *adv* — *nut-ti-ness* *n*

**Nuu-Chah-Nulth** also *Nuu Chah Nulth* \nu-'chā-nūl/ *n*, *p* *Nuu-Chah-Nulth* also *Nuu Chah Nulth* [Nootka *nuč̓aʔnəl*, lit., all along the mountains] (1979): NOOTKA

**nux vom-i-ca** \nʌks-'vā-mī-kə/ *n*, *p* *nux vomica* [NL, lit., emetic nut] (14c) 1: the poisonous disk-shaped seed of a tree (*Strychnos nuxvomica*) of the family *Loganiaceae* of southern Asia that contains several alkaloids and esp. strychnine and brucine; also: the tree yielding nux vomica 2: a drug containing nux vomica



nuthatch

\ə/ about \ʌ/ kitten, F table \ər/ further \ə/ ash \ā/ ace \ā/ mop, mar  
 \əd/ out \ch/ chin \e/ bet \e/ easy \g/ go \h/ hit \i/ ice \j/ job  
 \j/ sing \d/ go \d/ law \d/ boy \th/ thin \th/ the \l/ loot \d/ foot  
 \v/ yet \zh/ vision, beige \k, ʔ, æ, ʊ, ʌ/ see Guide to Pronunciation



**ve-da-lia** \vī-dā-lī-yə\ *n* [NL, genus name] (1889): an Australian ladybug (*Rodolia cardinalis*) introduced to many countries to control scale insects — called also *vedalla beetle*

**Ve-dan-ta** \vā-dān-tā, vā-, -dān- \ *n* [Skt *Vedānta*, lit., end of the Veda, fr. *Veda* + *anta* end; akin to OE *ende* end] (1788): an orthodox system of Hindu philosophy developing esp. in a qualified monism the speculations of the Upanishads on ultimate reality and the liberation of the soul — **Ve-dan-tism** \vā-dān-tī-zəm, -dān- \ *n* — **Ve-dan-tist** \vā-dān-tīst, -dān- \ *n*

**Ve-dan-tic** \vā-dān-tik, -dān- \ *adj* (1882): 1: of or relating to the Vedanta philosophy 2: VEDIC

**Ved-da** or **Ved-dah** \və-də\ *n* [Sinhalese *vedda* hunter] (1681): a member of an aboriginal people of Sri Lanka

**Ved-doid** \və-dōid\ *n* (1928): a member of a race of southern Asia traditionally classified by such physical features as wavy to curly hair, chocolate-brown skin color, and slender body build — **Veddoid** *adj* **ve-dōid** or **vi-dōid** \vī-dōid\ *n* [F, fr. It *vedetta*, alter. of *veletta*, prob. fr. Sp *vela* watch, fr. *velar* to keep watch, fr. L *vigilare* to wake, watch, fr. *vigil* awake — more at *VIGIL*] (ca. 1611): a mounted sentinel stationed in advance of pickets

**Ve-dic** \vī-dik\ *adj* (1848): of or relating to the Vedas, the language in which they are written, or Hindu history and culture between 1500 B.C. and 500 B.C.

**vee** \vē\ *n* (ca. 1883): 1: something shaped like the letter V 2: the letter v

**vee-jay** \vē-jā\ *n* [video jockey] (ca. 1981): an announcer of a program (as on television) that features music videos

**veena** \vēnə\ *n* [VINA]

**veep** \vēp\ *n* [fr. v. p. (abbr. for *vice president*)] (1949): VICE PRESIDENT

**veer** \vēr\ *v* [ME *veren*, of LG or D origin; akin to MD *veren* to slacken, MLG *verēn*] (15c): to let out (as a rope)

**veer** *vb* [ME *veren*, fr. MF *vire*, fr. OF, to throw with a twisting motion, fr. VL *vireare*, alter. of L *vibrare* to wave, propel suddenly — more at *VIBRATE*] *v* (15c): 1: to change direction or course (the economy ~ed sharply downward) 2: of the wind: to shift in a clockwise direction — compare *BACK* 3: to wear ship ~ *v*: to direct to a different course; *specif*: *WEAR* 7 *syn* see *SWERVE* — **veer-ing** \vē-īng\ *adv*

**veer** *n* (ca. 1611): a change in course or direction (a ~ to the right)

**vee-ry** \vē-ri\ *n*, *pl* *veeries* [prob. limit.] (1839): an American thrush (*Catharus fuscescens*) common in the eastern U.S.

**veg** \vē\ *n*, *pl* *veg* (1918) *chiefly* Brit: VEGETABLE

**Ve-ga** \vē-gə, vā- \ *n* [NL, fr. Ar (al-Nasr) al-Waqi', lit., the falling (vulture)] (ca. 1638): the brightest star in the constellation Lyra

**veg-an** \vē-gən\ *also* \vā- \ *also* \vē-jən or -jan\ *n* [by contr. fr. *vegetarian*] (1944): a strict vegetarian who consumes no animal food or dairy products; *also*: one who abstains from using animal products (as leather) — **vegan** *adj* — **veg-an-ism** \vē-gən-iz-m, vā-g- \ *n*

**veg-e-ta-ble** \vē-jə-tə-bəl, vē-jə- \ *adj* [ME, fr. ML *vegetabilis* vegetative, fr. *vegetare* to grow, fr. L, to animate, fr. *vegeus* lively, fr. *vege* to enliven — more at *WAKE*] (15c): 1: of, relating to, constituting, or growing like plants 2: consisting of plants: VEGETATIONAL 2: made from, obtained from, or containing plants or plant products (~ soup) (~ fat) 3: resembling or suggesting a plant (as in inertness or passivity)

**vegetable** *n* (15c): 1: PLANT 1b 2: a usu. herbaceous plant (as the cabbage, bean, or potato) grown for an edible part that is usu. eaten as part of a meal; *also*: such an edible part 3: a person whose mental and physical functioning is severely impaired and esp. one who requires supportive measures (as mechanical ventilation) to survive

**vegetable ivory** *n* (1842): 1: the hard white opaque endosperm of the ivory nut that takes a high polish and is used as a substitute for ivory 2: IVORY NUT

**vegetable marrow** *n* (ca. 1816) *chiefly* Brit: any of various smooth-skinned elongated summer squashes with creamy-white to deep green skins

**vegetable oil** *n* (1765): an oil of plant origin; *esp*: a fatty oil from seeds or fruits

**vegetable oyster** *n* (ca. 1818): SALSIFY

**vegetable pear** *n* (1887): CHAYOTE

**vegetable wax** *n* (1815): a wax of plant origin secreted commonly in thin flakes by the walls of epidermal cells

**veg-e-ta-bly** \vē-jə-tə-blē, vē-jə- \ *adv* or *adj* (1651): in the manner of or like a vegetable

**veg-e-tal** \vē-jə-təl\ *adj* [ML *vegetare* to grow] (15c): 1: VEGETABLE 2: VEGETATIVE 3: of or relating to the vegetal pole of an egg or to that part of an egg from which the endoderm normally develops (~ blastomeres)

**vegetal pole** *n* (1896): the point on the surface of an egg that is diametrically opposite to the animal pole and usu. marks the center of the protoplasm containing more yolk — see *BLASTULA* illustration

**veg-e-tar-i-an** \vē-jə-tər-ē-ən\ *n* [*Vegetable* + *-arian*] (1839): 1: one who believes in or practices vegetarianism 2: HERBIVORE

**vegetarian** *adj* (1849): 1: of or relating to vegetarians 2: consisting wholly of vegetables, fruits, grains, nuts, and sometimes eggs or dairy products (~ diet)

**veg-e-tar-i-an-ism** \vē-jə-tər-ē-iz-m\ *n* (ca. 1851): the theory or practice of living on a vegetarian diet

**veg-e-tate** \vē-jə-tāt\ *vb* \-tāt-ēd, -tāt-īng\ [ML *vegetatus*, pp. of *vegetare* to grow] *v* (1605): 1: to grow in the manner of a plant; *also*: to grow exuberantly or with proliferation of fleshy or warty outgrowths 2: to produce vegetation 3: to lead a passive existence without exertion of body or mind ~ *v*: to establish vegetation in or on

**veg-e-ta-tion** \vē-jə-tā-shən\ *n* (1564): 1: the act or process of vegetating 2: inert existence 3: plant life or total plant cover (as of an area) 4: an abnormal growth upon a body part (fibrin ~ on the mitral valve) — **veg-e-ta-tion-al** \vē-jə-tā-shən-əl, -shə-nəl\ *adj*

**veg-e-ta-tive** \vē-jə-tā-tiv\ *adj* (14c): 1: (1) growing or living the power of growing (2): of, relating to, or engaged in nutritive and growth functions as contrasted with reproductive functions (a ~ nucleus) 2: promoting plant growth (the ~ properties of soil) 3: of, relating to, or involving propagation by nonsexual processes or methods 2: relating to, composed of, or suggesting vegetation 3: of or

relating to the division of nature comprising the plant kingdom 4: a: AUTONOMIC 1 b: characterized by, resulting from, or being a state of severe mental impairment in which only involuntary bodily functions are sustained 5: VEGETABLE 3 — **veg-e-ta-tive-ly** *adv* — **veg-e-ta-tive-ness** *n*

**ve-ge-te** \və-jē\ *adj* [L *vegetus* — more at *VEGETABLE*] (1639) *archaic*: LIVELY, HEALTHY

**veg-gle** *also* **veg-ge** \vē-jē\ *n* [by shortening & alter.] (1955): 1: VEG-ETABLE 2: slang: VEGETARIAN

**veggie burger** *n* (1972): a patty chiefly of vegetable-derived protein used as a meat substitute; *also*: a sandwich containing such a patty

**veg out** \vē-j\ *v* **vegged out**; **veg-ging out** [short for *vegetate*] (1980): to spend time idly or passively

**ve-ho-men-ce** \vē-mən(t)s\ *n* (15c): the quality or state of being vehement: INTENSITY

**ve-ho-ment** \vē-mənt\ *adj* [ME, fr. MF, fr. L *vehement*, *vehemens*, *vehement*, *vehemens*] (15c): marked by forceful energy: POWERFUL (a ~ wind); as a: intensely emotional: IMPASSIONED, FERVID (~ patriotism) b (1): deeply felt (a ~ suspicion) (2): forcibly expressed (~ denunciations) c: bitterly antagonistic (a ~ debate) — **ve-ho-ment-ly** *adv*

**ve-hi-cle** \vē-hī-kəl\ *also* \vē-hī-kəl\ *n* [F *véhicule*, fr. L *vehiculum* carriage, conveyance, fr. *vehere* to carry — more at *WAY*] (1612): 1: an inert medium (as a syrup) in which a medicinally active agent is administered 2: any of various media acting usu. as solvents, carriers, or binders for active ingredients or pigments 3: an agent of transmission: CARRIER 3: a medium through which something is expressed, achieved, or displayed (an investment ~); *esp*: a work created esp. to display the talents of a particular performer 4: a means of carrying or transporting something (planes, trains, and other ~s); as a: MOTOR VEHICLE b: a piece of mechanized equipment

**ve-hi-cu-lar** \vē-hī-kyo-lər\ *adj* (1616): 1: of, relating to, or designed for vehicles and esp. motor vehicles 2: transported by vehicle c: caused by or resulting from the operation of a vehicle (~ homicide) 2: serving as a vehicle

**V-8** \vē-āt\ *n* (1930): an internal combustion engine having two banks of four cylinders each with the banks at an angle to each other; *also*: an automobile having such an engine

**vell** \vəl\ *n* [ME, fr. AF *veil*, *veile*, fr. L *vela*, pl. of *velum* sail, awning, curtain] (13c): 1: a length of cloth worn by women as a covering for the head and shoulders and often esp. in Eastern countries for the face; *specif*: the outer covering of a nun's headdress 2: a length of veiling or netting worn over the head or face or attached for protection or ornament to a hat or headdress (a bridal ~) 3: any of various liturgical cloths; *esp*: a cloth used to cover the chalice 2: the life of a nun — often used in the phrase *take the veil* 3: a concealing curtain or cover of cloth 4: something that resembles a veil (a ~ of stars); *esp*: something that hides or obscures like a veil (lift the ~ of secrecy) 5: a covering body part or membrane: as a: VELUM b: CAUL

**veil** *v* (14c): to cover, provide, obscure, or conceal with or as if with a veil ~ *v*: to put on or wear a veil

**veiled** \væld\ *adj* (14c): 1: having or wearing a veil or a concealing cover (a ~ hat) 2: characterized by a softening tonal distortion 2: obscured as if by a veil: DISGUISED (~ threats)

**veil-ing** \vē-līng\ *n* (13c): 1: any of various light sheer fabrics 2: VEIL

**vein** \vān\ *n* [ME *veine*, fr. AF, fr. L *vena*] (14c): 1: a narrow water channel in rock or earth or in ice b (1): LODGE 2 (2): a bed of useful mineral matter c: LODGE 3 2: BLOOD VESSEL; *esp*: any of the tubular branching vessels that carry blood from the capillaries toward the heart 3: any of the vascular bundles forming the framework of a leaf 4: any of the thickened cuticular ribs that serve to stiffen the wings of an insect 4: something suggesting veins (as in reticulation); *specif*: a wavy variegation (as in marble) 5: a distinctive mode of expression: STYLE (stories in a romantic ~) 6: a distinctive element or quality: STRAIN (introduced a welcome ~ of humor) 6: a line of thought or action (renewed discussion along the same ~) 6: a special aptitude (inherited an artistic ~) b: a usu. transitory and casually attained mood c: top form (thou troublest me; I am not in the ~)

**vein** *v* (1502): to pattern with or as if with veins

**veined** \vānd\ *adj* (ca. 1529): patterned with or as if with veins: having venation: STREAKED (a ~ leaf) (~ marble) (~ cheese)

**vein-er** \vē-nər\ *n* (1895): a small V gouge used in wood carving

**vein-ing** \vē-nīng\ *n* (1826): a pattern of veins: VENATION

**vein-let** \vēn-lət\ *n* (1831): a small vein

**veiny** \vē-nē\ *adj* (1611): full of veins: noticeably veined (~ hands); *vel* *abbr* velocity

**ve-la-men** \vē-lā-mən\ *n*, *pl* *ve-lam-i-na* \vē-lā-mə-nə\ [NL, fr. L, covering, fr. *velare* to cover, fr. *velum* curtain] (1882): the thick corky epidermis of aerial roots of an epiphytic orchid that absorbs water from the atmosphere

**vel-ar** \vē-lər\ *adj* [NL *velaris*, fr. *velum*] (1876): 1: formed with the back of the tongue touching or near the soft palate (the ~ *k* of *kick*) 2: of, forming, or relating to a velum and esp. the soft palate — **velar** *n*

**ve-lar-i-um** \vē-lər-ē-əm\ *n*, *pl* *-la* \vē-lə- \ [L, fr. *velum* curtain] (1834): an awning over an ancient Roman theater or amphitheater

**ve-lar-i-z-a-tion** \vē-lər-ē-zā-shən\ *n* (1915): 1: the quality or state of being velarized 2: an act or instance of velarizing

**ve-lar-ize** \vē-lər-īz\ *v* \-īz-ēd, -īz-īng\ (1915): to modify (as the *V* of *pull* *pool*) by a simultaneous velar articulation

**Vel-cro** \vēl-(ə)krō\ *trademark* — used for a closure consisting of a piece of fabric of small hooks that sticks to a corresponding fabric of small loops

**veld** or **Veldt** \vēlt, vēlt\ *n* [Afrik *veld*, fr. D, field; akin to OE *feld* field] (1835): a grassland esp. of southern Africa usu. with scattered shrubs or trees

**ve-il-ger** \vē-lə-jər, vē- \ *n* [NL, fr. *vehum* + *-ger* bearing, fr. *gerere* to bear] (1877): a larval mollusk in the stage when it has developed the velum

**vel-le-l-ty** \vē-lē-ō-tē, vē- \ *n*, *pl* *-ties* [NL *velletus*, fr. L *velle* to wish, will — more at *WILL*] (1618): 1: the lowest degree of volition 2: a slight wish or tendency: INCLINATION





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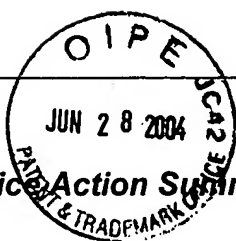
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FULBRIGHT & JAWORSKI, LLP 1301 MCKINNEY SUITE 5100 HOUSTON, TX 77010-3095			TOOMER, CEPHIA D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**



Application No.

10/084,601

Applicant(s)

JORDAN, FREDERICK L.

Examiner

Cephia D. Toomer

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-31, 33-35, 37, 47, 48, 51, 52 and 54 is/are allowed.
- 6) ☒ Claim(s) 32, 36, 38, 41-44, 49, 50, 53, 55, 56, 59, 60, 63, 65, 66, 69-72, 74, 76, 77, 80 and 82 is/are rejected.
- 7) ☒ Claim(s) 39, 40, 45, 46, 57, 58, 61, 62, 64, 67, 68, 73, 75, 78, 79 and 81 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office action is in response to the amendment filed February 26, 2004 in which claims 1-28 were canceled and claims 29-82 were added.

The Double Patenting rejection is withdrawn in view of the Terminal Disclaimer.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 36, 42, 53, 63, 70 and 80 and their dependents are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original filed specification and claims, claim 10 for instance, do not support benzene, o-xylene, m-xylene, p-xylene, cyclohexane, hexane, octanes, nonane, 2-cycle oil, gasoline and resid fuel as a diluent for the additive composition. The specification teaches that these compounds are used as solvents.

3. Claims 32, 49, 50, 55, 56, 59, 60, 65, 66, 74, 77, 82 and their dependents are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

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particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 32, 49, 59 and 76 are rejected because it is not clear how the vegetable oil and nut oil thermal stabilizers differ from the plant oil extract derived from grain.

Vegetables and nuts are also grains.

Claims 50 and 55 are substantial duplicates.

In claims 56, 66 and 74, "addition" should read – additive --.

Claims 60 and 65 are substantial duplicates.

Claims 77 and 82 are substantial duplicates.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 38, 41-44, 66 and 69-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Jordan (US 5,826,369).

Jordan teaches a carbonaceous fuel composition comprising a fuel additive of beta-carotene (carotenoid), chlorophyll (hydrophobic plant extract), ethoxylated castor oil (thermal stabilizer) and cetane improvers (see abstract; col. 2, lines 11-22). The carbonaceous fuel includes gasoline, diesel fuel, heavy fuel oil (resid), etc. (see col. 2, lines 23-43). The fuel additive may be diluted with a solvent such as gasoline, toluene,

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diesel fuel and alcohols (see col. 2, line 60 through col. 3, lines 1-6). Jordan teaches that the ethoxylated castor oil provides enhanced combustion characteristics and reductions in pollutant emissions.

Accordingly, Jordan teaching all the limitations of the claims anticipates the claims.

6. Claims 29-31, 33-35, 37, 47-48, 51-52 and 54 are allowed. The prior art fails to teach or suggest the additive combination of a plant oil extract derived from grain, a carotenoid and a thermal stabilizer.

7. Claims 39, 40, 45-46, 57-58, 61-62, 64, 67-68, 73, 75, 78-79 and 81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to teach or suggest a plant oil extract that is derived from a member of the Leguminosae family or grain.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

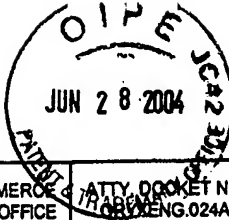
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cephia D. Toomer  
Primary Examiner  
Art Unit 1714





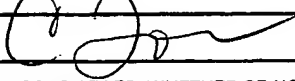
SHEET 1 OF 1

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. 10/084,601	APPLICATION NO. 10/084,601
	APPLICANT Jordan, F.	
	FILING DATE 02/28/02	GROUP 1714

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
CDT	1	2,582,192	01/08/52	Denison			
CDT	2	4,208,190	06/17/80	Malec			

FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
CDT	3	EP 0457589 A1	11/21/91	Europe				

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100203

EXAMINER 	DATE CONSIDERED 5/04
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	